

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank Filser et al.
Serial No. : 09/623,268
Filed : August 30, 2000
TC/A.U. : 1731
Examiner : C. A. Fiorilla

Confirmation No.: 1826

Docket No. : 00-497
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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REQUEST FOR RECONSIDERATION

Sir:

In response to the Office action dated June 19, 2003 Applicants respectfully request the Examiner to reconsider his rejections for the reason set forth hereinbelow.

The only issue in the application is the rejection of the claims under 35 U.S.C. 112, both first and second paragraphs. It is respectfully submitted that the Examiner has misunderstood and misconstrued the language of the specification and the comments raised by Applicants' representative. The article previously submitted clearly establishes that it is within the realm of the skill artisan to be able to determine the achievable relative density of a material after sintering. This is acknowledged by the Examiner on Page 3 of his final rejection. Apparently, the Examiner's problem is based on the language in the specification referred to him on Page 8, lines 15 and 18. The Examiner also refers to the undersigned comments as supporting this contention. It is respectfully submitted that the Examiner has misconstrued this language. If one carries out known processes for tempering an aluminum alloy composition the final tempered aluminum product would have different properties within a range of tolerances which are allowable. These different properties would result from the minor differences in aluminum alloy

composition which might be allowable in the aluminum alloy specification. There would also be some degree of variances within allowed tolerances for the processing parameters. Thus, if one were to process aluminum 6061 today in equipment A under processed conditions B and the process aluminum 6061 a month from now in the same production equipment under similar process conditions, one would not necessarily get exactly the same identical property as there are tolerances in not only the chemical composition of 6061 but in the processing conditions. However, the predictability of the final product within a small tolerance range would be able to be made. This is all that is being stated in the specification on Page 8, lines 15-18. There may be some variance in the enlargement factor, however small, which would result. However, there is predictability within tolerance ranges.

It is respectfully submitted that the claims as pending find support in the specification under 35 U.S.C. 112, first paragraph and are definite under 35 U.S.C. 112, second paragraph.

In light of the foregoing, it is believed that the instant application is in condition for allowance.

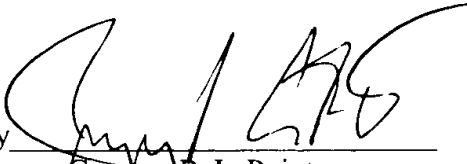
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.


Respectfully submitted,

Frank Filser et al.

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Date: August 12, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 12, 2003


Rachel Piscitelli